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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 HAROLD E. HARTER, )

8 Plaintiff, )

9 v. )

10 STATE OF NEVADA et al., )

11 Defendants. )  
12 \_\_\_\_\_ )

3:15-cv-00538-MMD-WGC

**ORDER**

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has  
15 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed two applications  
16 to proceed *in forma pauperis*. (ECF No. 1, 1-1, 3).

17 Plaintiff's applications to proceed *in forma pauperis* are incomplete. Pursuant to 28  
18 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed  
19 *in forma pauperis* and attach both an inmate account statement for the past six months and  
20 a properly executed financial certificate. Plaintiff has not submitted an inmate account  
21 statement. (See ECF No. 3). As such, the *in forma pauperis* applications are denied without  
22 prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file  
23 it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an  
24 opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the  
25 alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to  
26 proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*  
27 *pauperis*.

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1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff's applications to proceed *in*  
3 *forma pauperis* (ECF No. 1, 3) are DENIED without prejudice to file a new application.


4 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
5 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document  
6 entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or  
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
11 administrative fee).

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
15 No. 1-1), but shall not file it at this time.

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17 DATED: This 17th day of November, 2015.

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20 United States Magistrate Judge  
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